



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
JUNE 9, 2021 – 6:00 P.M.**

Board Members	Attendance	Cumulative Attendance 6/2021 through 5/2022	
		Present	Absent
Howard Nelson, Chair	P	1	0
Patrick McTigue, Vice Chair	P	1	0
Howard Elfman	P	1	0
Eugenia Ellis	P	1	0
Chadwick Maxey	A	0	1
Blaise McGinley	P	1	0
Douglas Reynolds	P	1	0

Alternates			
Chip Falkanger	A	0	1
Shelley Eichner	P	1	0
Michael Lambrechts	P	1	0

Staff

D' Wayne Spence, Assistant City Attorney
Chakila Crawford, Senior Administrative Assistant
Burt Ford, Zoning Chief
Mohammed Malik, Zoning Administrator
Stephanie Hughey, Administrative Assistant
Brigitte Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

<u>Index</u>	<u>Case Number</u>	<u>Owner/Agent</u>	<u>District</u>	<u>Page</u>
1.	PLN-BOA-21050001	Temple Bat Yam Of East Fort Lauderdale Inc./ Andrew J. Schein, Esq.	1	2
2.	PLN-BOA-21050002	2780 E Oakland Park LLC/ Jason S Crush Esq.	1	3
3.	PLN-BOA-21050003	NT Properties, LLC/Salvatore, Caccia-Salvocafe LLC	1	5
4.	PLN-BOA-21050004	Beverly Heights TH, LLC/ Jeffrey Spear	4	6
		Communication to the City Commission		7
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		Other Items and Board Discussion		7

I. Call to Order

The meeting was called to order at 6:03 p.m. Roll was called and a quorum determined to be present.

Mr. Lambrechts joined the dais in Mr. Maxey's absence.

II. Approval of Minutes – May 12, 2021

Motion made by Ms. Ellis, seconded by Mr. McTigue, to approve the Board's May 12, 2021 minutes. In a voice vote, motion passed unanimously.

III. Public Sign-In / Swearing-In

All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.

During each item, Board members disclosed communications they had and site visits made.

IV. Agenda Items

1.	Index
CASE:	PLN-BOA-21050001
OWNER:	TEMPLE BAT YAM OF EAST FORT LAUDERDALE INC.
AGENT:	ANDREW J. SCHEIN, ESQ./ LOCHRIE & CHAKAS P.A.

ADDRESS: 5151 NE 14TH TERRACE, FORT LAUDERDALE, FL., 33334
LEGAL DESCRIPTION: CORAL RIDGE ISLES 45-47 B PARCEL C LESS BEG NE COR OF SAID PARCEL C, WLY 293.54, SELY 282.39 TO P/C, SELY 34.36, NELY 166.50, ELY 146.72, NWLY 280.05 TO POB
ZONING DISTRICT: RMM-25
COMMISSION DISTRICT: 1
REQUESTING: **Sec. 47-19.5 – Fences, walls and hedges**

Requesting a variance from the 3' average setback requirement and landscaping requirement of ULDR Section 47-19.5 to allow a 6' high fence to be constructed at a 0' setback with no landscaping between the fence and the property line, a total variance request of 3'.

Chair Nelson disclosed that he and his family had been members of the synagogue for many years but he had no conflict preventing him from hearing the case.

Andrew Schein, agent, provided a presentation, a copy of which is attached to these minutes for the public record.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Mr. Schein stated there were 70 parking spaces, and 56 were required for just the temple. They would lose five spaces to installing access gates.

Mr. Malik admitted that "commonsense" indicated the fence could not be moved back, but he did not have the authority to wave the requirements.

Mr. Schein said this synagogue, like many others, had hired armed guards.

Motion made by Mr. McTigue, seconded by Ms. Ellis:

To approve the variance for BOA Case # **PLN-BOA-21050001** because it meets the criteria for a variance.

In a roll call vote, motion passed 6-1 with Mr. McGinley opposed.

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CASE: **PLN-BOA-21050002**
OWNER: 2780 E OAKLAND PARK LLC
AGENT: CRUSH LAW, P.A. – JASON S CRUSH

ADDRESS: 2780 E OAKLAND PARK BOULEVARD, FORT LAUDERDALE,
FL., 33306
LEGAL DESCRIPTION: OAKLAND OCEAN MILE ADD 29-8 B LOT 6 LESS N 50 FOR ST
ZONING DISTRICT: CB
COMMISSION DISTRICT: 1
REQUESTING: **Sec. 5-26. - Distance between establishments.**

Requesting a special exception for the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is 293 feet from the nearest establishment licensed to sell alcoholic beverages. Requesting the distance of separation be reduced from three hundred (300) feet to two-hundred ninety three (293) feet, a total reduction of seven (7) feet.

Jason Crush, agent, provided a presentation, a copy of which is attached to these minutes for the public record. He noted that they were just seven feet short of the required 300-foot distance separation. He said the request was not contrary to the public interest and was not incompatible with the adjoining properties and surrounding neighborhood. The Coral Ridge Association supported the request 100% and the business and property owner of the Rainbow Palace across the street supported the request. He pointed out the number of properties along this commercial corridor that sold alcohol.

Chair Nelson opened the public hearing.

Max Sebastiani, adjacent property owner, said the Café Seville was seven feet away from this property and also sold alcoholic beverages. Mr. Crush clarified that the Café Seville had a 4COPSFS license, which did not count toward the City's liquor measurements. Mr. Sebastiani asked what would prevent them from opening a lounge or pub. He opposed the request for a special exception.

Raphael Sopher, owner of 2769 East Oakland Park Blvd. stated there was a tremendous homeless problem in the area and he believed alcohol attracted homeless people. He did not see the need for a liquor store because there were other options nearby. He opposed the request for a special exception.

There being no other members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Mr. Malik explained that there were many requirements for allowing a lounge or pub operation. Mr. Crush added that another special exception would also be needed for a lounge use.

Motion made by Mr. McGinley, seconded by Ms. Ellis:

To approve the Special Exception for BOA Case # **PLN-BOA-21050002** because it meets the requirements for a Special Exception.

In a roll call vote, motion passed 7-0.

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CASE: **PLN-BOA-21050003**

OWNER: NT PROPERTIES, LLC

AGENT: SALVATORE, CACCIA- SALVOCAFE LLC

ADDRESS: 3101-3103 BAYVIEW DR, FORT LAUDERDALE, FL., 33306

LEGAL DESCRIPTION: CORAL RIDGE GALT ADD NO 3 35-47 B LOT A LESS S 50 FOR ST BLK 13

ZONING DISTRICT: CB

COMMISSION DISTRICT: 1

REQUESTING: **Sec. 5-26. - Distance between establishments.**

Requesting a special exception for the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is 86 feet from the nearest establishment licensed to sell alcoholic beverages. Requesting the distance of separation be reduced from three hundred (300) feet to eighty six (86) feet, a total reduction of two hundred fourteen (214) feet.

Salvatore Caccia, agent, provided a presentation, a copy of which is attached to these minutes for the public record. He stated this property was 86 feet from the Rainbow Palace.

Chair Nelson opened the public hearing.

Raphael Sopher, owner of 2769 East Oakland Park Blvd., said this type of business was needed in the neighborhood.

There being no other members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Ms. Ellis noted that when she visited the property, the notice was on the ground. Mr. Caccia stated he made sure the sign was up every morning.

Motion made by Mr. McGinley, seconded by Ms. Ellis:

To approve the Special Exception for BOA Case # **PLN-BOA-21050003** because it meets the requirements for a Special Exception.

In a roll call vote, motion passed 7-0.

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CASE: **PLN-BOA-21050004**

OWNER: BEVERLY HEIGHTS TH, LLC

AGENT: BEVERLY HEIGHTS TH, LLC- JEFFREY SPEAR

ADDRESS: 5-11 SE 11 AVENUE; 10-14 SE 10 AVENUE; 17-19 SE 11 AVENUE; 13-15 SE 11 AVENUE, FORT LAUDERDALE, FL., 33301

LEGAL DESCRIPTION: BEVERLY HEIGHTS 1-30 B LOT 3 BLK 17; RESUB E1/2 BLK 16 & W1/2 BLK 17 BEVERLY HEIGHTS 3-36 B LOT 17 N1/2, 18 BLK 17; BEVERLY HEIGHTS 1-30 B LOT 5 BLK 17; BEVERLY HEIGHTS 1-30 B LOT 4 BLK 17

ZONING DISTRICT: RC-15

COMMISSION DISTRICT: 4

REQUESTING: **Sec. 47-19.5. - Fences, walls and hedges.**

Requesting a variance from the 6'-6" Dimensional Requirements for Height MAX. Measured from Grade According to Section 47-2.2.G for Fence/Wall in Residential Zoning Districts as provided in Table 1 of Section 47-19.5 – Fences, walls and hedges to allow an eight (8) foot privacy fence, a total deviation in height of one foot six inches (1' 6").

Jeffrey Spear, agent, provided a presentation, a copy of which is attached to these minutes for the public record. He had letters from three adjacent property owners who did not object. He had been unable to contact the other two adjacent property owners.

Mr. Malik reported the fence code re-write was in process and he anticipated it would go to the City Commission in September or October.

Chair Nelson opened the public hearing.

Jack Jackintell, adjacent neighbor, said his property would be most affected by this. He did not understand what the fence would look like. Mr. Spear said the existing fence was on Mr. Spear's property, and it would be replaced with a PVC fence of approximately the same height.

The Board took a brief break.

Gus Carbonell, architect, said the units' rear yards faced the commercial properties to the north, and they did not object to the fence. To the south there were some residential properties and one adjacent property had mature landscaping and a fence. Mr. Carbonell felt the taller fence would provide additional privacy for this neighbor's pool area.

Mr. Malik reported Trevor Underwood, another adjacent neighbor, indicating that his tree and fence must not be damaged.

Ms. Crawford submitted two more letters of support into the record.

Mr. Spear proffered that they would leave Mr. Underwood's fence alone and build a fence on Mr. Spear's property without harming Mr. Underwood's tree or fence, or Mr. Spear would remove Mr. Underwood's fence without harming the tree.

Ms. Crawford read an email from Ian J. Norris stating his support for the request.

There being no other members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Mr. Spear said he had not communicated with the Beverly Heights Homeowners' Association.

Motion made by Mr. McGinley, seconded by Mr. McTigue:

To approve the variance for BOA Case # PLN-BOA-21050004, because it meets the criteria, including the proffer from the applicant to either replace Mr. Underwood's fence or to build the fence directly behind Mr. Underwood's fence on lots 18 and 20.

In a roll call vote, motion passed 6-1 with Mr. Reynolds opposed.

Communication to the City Commission

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None

Report and for the Good of the City Election of Officers

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Motion made by Ms. Ellis, seconded by Mr. McTigue, to keep the current Chair and Vice Chair for one year. In a roll call vote, motion passed 7-0.


Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:10 p.m.

Chair:



Attest:



ProtoType Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.